

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 EAE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 OMB-01 EB-07 TRSE-00 IGA-02 EUR-12

ACDA-07 SAJ-01 /080 W

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O 071127Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 7108

INFO SECDEF WASHDC IMMEDIATE

WASHDC IMMEDIATE

CINCPAC HONOLULU IMMEDIATE

CINCPACAF IMMEDIATE

CINCPACFLT IMMEDIATE

CINCPACREPHIL SUBIC IMMEDIATE

CG 13AF CLARK IMMEDIATE

C O N F I D E N T I A L MANILA 9831

CINCPAC ALSO FOR POLAD

FROM USDEL 76

E. O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: "PRIOR CONSULTATION"

1. IN COURSE OF NEGOTIATIONS CONCERNING U.S. USE OF FACILITIES IN PHILIPPINES, IMPASSE HAS DEVELOPED IN WORKING GROUP OVER THE PHRASE "PRIOR CONSULTATION" AS CONTAINED IN ARTICLE VII, PARA 4 OF THE U.S. DRAFT AND "EXPRESS CONSENT" AS CONTAINED IN ARTICLE II, PARA 3 OF PHIL DRAFT. WORKING GROUP HAS REFERRED MATTER TO TWO CHAIRMEN FOR RESOLUTION.

2. ROMUALDEZ RAISED QUESTION IN PRIVATE SESSION WITH ME
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JULY 7. HE TOOK POSITION THAT "CONSENT" WAS NECESSARY TO

DEMONSTRATE PHIL SOVEREIGN CONTROL OVER USE OF ITS TERRITORY. HE SAID "CONSULTATION" WAS POPULARLY CONSTRUED IN PHILIPPINES AS "MERE CONSULTATION," WHICH IN EFFECT MEANT UNILATERAL U.S. DECISION, WHETHER PHILIPPINES AGREED OR NOT. IN ADDITION TO INVIDIOUS IMPLICATIONS THIS PHRASE HAD DOMESTICALLY IN PHILIPPINES, IT LIMITED PHILIPPINE CREDIBILITY INTERNATIONALLY SINCE IT MADE IT IMPOSSIBLE FOR GOP TO GIVE ANY ASSURANCES CONCERNING MANNER IN WHICH ITS SOIL MIGHT BE USED BY U.S. (VIETNAMESE MISSION, WHICH IS ARRIVING IN FEW DAYS, WILL REPORTEDLY SEEK ASSURANCES THAT PHILS WILL NOT PERMIT THEIR TERRITORY TO BE USED FOR "DIRECT OR INDIRECT AGGRESSION" AGAINST OTHER COUNTRIES.)

3. I REPLIED THAT "CONSULTATION" WAS TAKEN FROM BOHLEN-SERRANO AGREEMENT, THAT IT HAD A HISTORY IN PRACTICE AND THAT SUCH HISTORY BELIED ANY UNILATERAL ARROGATION OF DECISIONS BY U.S. AUTHORITIES. I WENT ON TO POINT OUT THAT "EXPRESS CONSENT" WAS ENTIRELY UNILATERAL IN THE CONTEXT OF PHILIPPINE DECISION-MAKING. I FELT THIS WAS CONTRARY TO THE SPIRIT OF MUTUALITY WHICH UNDERLAY OUR DEFENSE ARRANGEMENTS. MOREOVER, I ASKED RHETORICALLY WHETHER THE GOP WISHED TO BE PLACED IN A POSITION WHERE IT ALONE WOULD BE SUBJECT TO THE PRESSURES OF SUCH OTHER STATES AS VIETNAM AND USSR, OR WHETHER IT WISHED TO SHARE THE ONUS WITH THE U.S.

4. ROMUALDEZ SAID THAT HE ACCEPTED, IN PRINCIPLE, THE IDEA TAT THERE SHOULD BE SOME MUTUALITY IN THIS MATTER. HE WONDERED, WITHOUT COMMITTING HIMSELF, WHETHER WE WERE PREPARED TO OFFER SOME OTHER FORMULATION SUCH AS "MUTUAL AGREEMENT," WHICH WOULD MORE NEARLY EXPRESS THE PRAIBICE WHICH HAD PREVAILED UNDER THE BOHLEN-SERRANO AGREEMENT. I SAID OUR PREFERENCE WAS FOR THE WORD "CONSULTATION" WHICH, IN PRACTICE, HAD PROVEN A VALID BASIS FOR OUR MUTUAL INTERESTS.

5. COMMENT: I ASSUME FROM THIS CONVERSATION THAT GOP IS PREPARED TO MOVE FROM "EXPRESS CONSENT" TO "MUTUAL AGREEMENT." SINCE SUCH A PHRASE WOULD ACCURATELY REFLECT

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OUR PAST AND CURRENT PRACTICE, AS WELL AS OUR FUTURE INTENTIONS, I BELIEVE WE SHOULD BE PREPARED TO ACCEPT THIS CHANGE. HOWEVER, I DO NOT RPT NOT WISH TO MAKE THIS MOVE AS YET, SINCE IT SHOULD BE LINKED INTO SATISFACTORY SET OF UNDERSTANDINGS CONCERNING GENERAL USE OF FACILITIES, COMMAND, CONTROL, SECURITY, AND ADMINISTRATION.

6. ACTION REQUESTED: REQUEST THAT I BE AUTHORIZED TO

MOVE FROM PHRASE "PRIOR CONSULTATION" TO "MUTUAL
AGREEMENT" WHEN, IN USDEL JUDGMENT, WE HAVE RECEIVED
ADEQUATE ASSURANCES THAT OUR OPERATING RIGHTS IN THE
FACILITIES WILL BE ADEQUATE TO OUR NEEDS. I WOULD LIKE
RESPONSE BY JULY 9.
SULLIVAN

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NNN

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